

PATENT**REMARKS**

Claims 1-24 and 26-35 are pending in the present application. In the above amendments, claim 9 has been amended and all rejections have been traversed. Applicant respectfully responds to this Office Action.

Claim Rejections – 35 USC § 112

Claim 9 is rejected under 35 U.S.C. 112. Applicants amend claim 9 to fix the typographical error that resulted in Examiner's rejection. The "third indication" has been amended to the "second indication."

Claim Rejections – 35 USC § 103

Claims 1, 2, 5, 6, 9, 19 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 6,233,439 to Jalali.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 6,233,439 to Jalali and in further view of U.S. Patent No. 6,259,927 to Butovitsch et al.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 6,148,208 to Love.

Claims 10-13, 15-18, 20, 24, 26 and 27-34 are rejected under 35 U.S.C. § 103(e) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 6,590,873 to Li et al.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 5,590,873 to Li et al., and in view of U.S. Patent No. 6,498,785 to Derryberry et al.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,008 to Ahn et al. in view of U.S. Patent No. 5,590,873 to Li et al., and in view of U.S. Patent No. 6,337,989 to Agin.

PATENT

All of Applicants' claims are patentable over the above cited art because there is no *prima facie* of obviousness against Applicants' claims. Ahn, alone or in combination with any of the above cited art, does not teach all features of Applicants' claims. The discussion below uses Applicants' Claim 1, but applies equally to all of Applicants' claims because of the common feature discussed below. Further, the discussion focuses on Ahn because Ahn does not teach or recite a feature common to all of Applicants' claims which was relied upon to make the rejection.

Applicants' Claim 1 and all of Applicants' claims have the feature that the "indication is formed by aggregating a plurality of power control bits **allocated for feedback for the second transmission**, wherein the aggregating lowers the rate of the plurality of power control bits." Further, the aggregating a plurality of bits allocated for feedback is explained in Applicants' specification as originally filed as "the allocated bits for each power control sub-channel can be aggregated to **form a more reliable, lower rate sub-stream**" (see page 8, first paragraph of Applicants' specification). Therefore, the aggregation is done at the **transmitter** for the above purposes.

Ahn, however, does not teach aggregating the bits at the transmitter. Rather, Ahn discusses generating "power control bits that have independent control information" and changes the rate of the power control bits by generating fewer bits (please see column 5, lines 41-49). This is distinct from Applicants' teaching of power control bit aggregation. Ahn does mention that "power control is performed once as the average of three power control bits and six power control bits respectively" (please see column 5, lines 55-60). However, this is **power control based on received power control bits**, which is distinct from the **aggregation of power control bits at the transmitter**.

Ahn, alone or in combination with any of the above cited art, does not teach all the features of Applicants' claims. Applicants' claims are therefore patentable over Ahn and the above cited art and are in a position for speedy allowance.

PATENT**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: November 16, 2005

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